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Attorney Docket # 4804-4

GROUP 1600

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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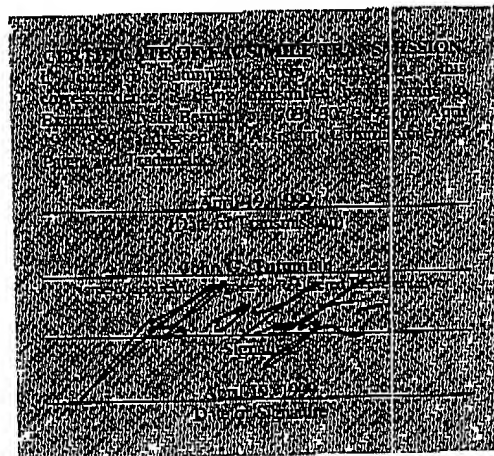
In re Application of

Stephan Lukas et al.

Serial No.: 09/177,427

Filed: October 22, 1998

For: Taste Masked Pharmaceutical Compositions

Examiner: Alysia Berman  
Group Art: 1615Assistant Commissioner for Patents  
Washington, DC 20231**REQUEST FOR WITHDRAWAL OF OFFICE ACTION  
DATED MARCH 4, 1999 AND CONSIDERATION OF INFORMATION  
DISCLOSURE STATEMENT PURSUANT TO 37 C.F.R. 1.97(b)**

Dear Examiner Berman:

Applicant's representative hereby requests that the Office Action dated March 4, 1999 for the above-identified application be withdrawn, and applicant's Information Disclosure Statement filed on February 17, 1999 be considered prior to the issuance of the first Office Action on the merits.

Applicant's Information Disclosure Statement filed on February 17, 1999 and received by the U.S. Patent Office on February 19, 1999 (copy of stamped postcard enclosed) was not considered prior to the issuance of the first Office Action mailed March 4, 1999. Applicant's representative properly filed this Information Disclosure Statement pursuant to 37 C.F.R. 1.97(b)(3) and therefore is entitled to its consideration prior to the issuance of any substantive Office Action on the merits.

Applicant's representative conducted a teleconference with the Examiner's Supervisory Patent Examiner, Thurman M. Page, on Friday, April 16, 1999 to discuss the requested consideration of the Information Disclosure Statement, and the issuance of a new Office Action on the merits that includes examination and consideration of the references cited on applicant's PTO form 1449 filed with the February 17, 1999 Information Disclosure Statement. Applicant's representative has also requested that the period for response to the newly issued Office Action be restarted.


Applicant's representative acknowledges that the lack of consideration of the February 17, 1999 Information Disclosure Statement in the March 4, 1999 Office Action resulted from a mail processing error at the U.S. Patent Office, through no fault of the Patent Examiner, Alysia Berman.

Mr. Page has acknowledged this "crossing in the mail" error and has agreed that the current March 4, 1999 Office Action will be withdrawn, and a new Office Action on the merits will be issued taking applicant's February 17, 1999 Information Disclosure Statement into full consideration. The period for response to the newly issued office action will be set accordingly by the Examiner.

It is believed that no fees or charges are required at this time in connection with the present application; however, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,  
COHEN, PONTANI, LIEBERMAN & PAVANE

By

  
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Dated: April 19, 1999

4804-4 MBP//BDB February 19, 1999

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In re Application of

Stephan Lukas et al.

Serial No.: 09/177,427

Filed: Oct 22, 1998

For: Taste Masked Pharmaceutical Compositions

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Enclosed Herewith:

1. Information Disclosure Statement w/Cert. of Mail
2. PTO Form 1449 (2x)
3. Copies of references cited in PTO Form 1449
5. Return receipt postcard

KINDLY DATE STAMP AND RETURN  
TO ACKNOWLEDGE RECEIPT

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**To:** Examiner Alysia Berman **From:** John G. Tutunjian

**Fax:** (703) 305-3592 **Pages:** 4 (total number of pages)

**Re:** **Date:** Monday, April 19, 1999

☐ Confirmation will follow☒ No confirmation to follow

Re: U.S. Patent Application Serial No.: 09/177,427  
For: Taste Masked Pharmaceutical Compositions  
Our File No.: 4804-4

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